FW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,810	12/17/1999	DAVID D. BOHN	10991692-1	7982

22879 7590 06/17/2005

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
LESPERANCE, JEAN E	
ART UNIT	**PAPER NUMBER**
2674	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/471,810	BOHN, DAVID D.	
	Examiner	Art Unit	
	Jean E Lesperance	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5, 7-12,14-16,27-31 and 57-69* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *27-31* is/are allowed.

6)☒ Claim(s) *1-5,7-12,14-16 and 57-69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 1999* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed March 9, 2005 in entered and claims 1-5, 7-12, 14-16, 27-31 and 57-69 are pending.

Drawings

2. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent # 6,137,479 ("Olsen et al.").

As to claim 1, Olsen et al. teach a display Fig.2A (34) wherein an image is displayable on said display; a roller ball Fig.2A (42) mounted on the bottom of the computer mouse 20 to detect the movement of the computer mouse 20 and to control

the position of the cursor on the display screen 34 corresponding to a navigation sensor whereby a movement of said mouse is sensed by said roller and said movement includes moving said display and produces a change in said image; button Fig.2A (28) generate signals to initiate an operation associated with an item displayed on the display screen 34 and a user can select an icon on the display screen 34 by depressing the appropriate button when the cursor is positioned over an icon corresponding to a first button operated in cooperation to mimic at least one function of a computer mouse being used with a graphical user interface. The prior art does not explicitly teach a first button to mimic at least one function. However, the prior art teaches a user can select an icon on the display screen 34 by depressing the appropriate button when the cursor is positioned over an icon. Thus, it would have been obvious to a person of ordinary skill in the art to modify a user can select an icon on the display screen 34 by depressing the appropriate button when the cursor is positioned over an icon to achieve the function of a first button to mimic at least one function because this would provide a combined computer mouse and a portable programmable computer.

As to claim 2, Olsen et al. teach a roller ball Fig.2A (42) to control the position of the cursor on the display screen 34 corresponding to wherein said change comprises at least moving a cursor, a least panning at least part of said image, a least scrolling at least part of said image and a least navigating at least part of said image showing on the display.

As to claim 3, Olsen et al. teach a roller ball Fig.2A (42) to control the position of the cursor on the display screen 34 corresponding to wherein said change comprises at

least moving a cursor, a least panning at least part of said image, a least scrolling at least part of said image and a least navigating at least part of said image showing on the display.

As to claim 4, Olsen et al. teach a roller ball Fig.2A (42) to control the position of the cursor on the display screen 34 corresponding to wherein said change comprises at least moving a cursor, a least panning at least part of said image, a least scrolling at least part of said image and a least navigating at least part of said image showing on the display.

As to claim 5, Olsen et al. teach a roller ball Fig.2A (42) to control the position of the cursor on the display screen 34 corresponding to wherein said change comprises at least moving a cursor, a least panning at least part of said image, a least scrolling at least part of said image and a least navigating at least part of said image showing on the display.

As to claim 7, Olsen et al. teach a roller ball Fig.2A (42) to control the position of the cursor on the display screen 34 corresponding to wherein said change comprises at least moving a cursor, a least panning at least part of said image, a least scrolling at least part of said image and a least navigating at least part of said image showing on the display.

As to claim 8, Olsen et al. teach a display Fig.2A (34) wherein an image is displayable on said display; a roller ball Fig.2A (42) mounted on the bottom of the computer mouse 20 to detect the movement of the computer mouse 20 and to control the position of the cursor on the display screen 34 corresponding to a navigation sensor

whereby a movement of said mouse is sensed by said roller and said movement includes moving said display and produces a change in said image; button Fig.2A (28) generate signals to initiate an operation associated with an item displayed on the display screen 34 and a user can select an icon on the display screen 34 by depressing the appropriate button when the cursor is positioned over an icon corresponding to a first button operated in cooperation to mimic at least one function of a computer mouse being used with a graphical user interface.

As to claim 9, Olsen et al. teach a roller ball Fig.2A (42) to control the position of the cursor on the display screen 34 corresponding to wherein said change comprises at least moving a cursor, a least panning at least part of said image, a least scrolling at least part of said image and a least navigating at least part of said image showing on the display.

As to claim 10, Olsen et al. teach a roller ball Fig.2A (42) to control the position of the cursor on the display screen 34 corresponding to wherein said change comprises at least moving a cursor, a least panning at least part of said image, a least scrolling at least part of said image and a least navigating at least part of said image showing on the display.

As to claim 11, Olsen et al. teach a roller ball Fig.2A (42) to control the position of the cursor on the display screen 34 corresponding to wherein said change comprises at least moving a cursor, a least panning at least part of said image, a least scrolling at least part of said image and a least navigating at least part of said image showing on the display.

As to claim 12, Olsen et al. teach a roller ball Fig.2A (42) to control the position of the cursor on the display screen 34 corresponding to wherein said change comprises at least moving a cursor, a least panning at least part of said image, a least scrolling at least part of said image and a least navigating at least part of said image showing on the display.

As to claim 14 , Olsen et al. teach the computer mouse Fig.2A (20) includes conventional computer mouse components for using the computer's graphical user interface.

As to claim 15, Olsen et al. teach a button Fig.2A (28) generate signals to initiate an operation associated with an item displayed on the display screen 34 and a user can select an icon on the display screen 34 by depressing the appropriate button when the cursor is positioned over an icon.

As to claim 16, Olsen et al. teach the computer mouse Fig.2A (20) includes conventional computer mouse components for using the computer's graphical user interface.

Allowable Subject Matter

4. Claims 27-31 and 57-69 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: the claimed invention is directed to an electronic scanning device. Independent claim 27 identifies a uniquely distinct feature "an image sensor for scanning an image; a display that displays a first part of a scanned version of said image, a navigation sensor

that detects relative movement between said scanning device and a surface in close proximity to said navigation sensor whereby said relative movement changes said display to displaying a second part of said scanned version of said image". Independent claim 57 identifies a uniquely distinct feature "displaying a second pad of said scanned image in response to relative movement between a scanning device and a surface in close proximity to said scanning device". Independent claim 61 identifies a uniquely distinct feature "a navigation sensor located on a second side of said electronic device, said second side being opposite said first side, wherein said navigation sensor detect movement of a part of a user relative to said navigation sensor located in close proximity to said navigation sensor, and wherein an image displayed on said display altered in response to said movement of said part of said user relative to said navigation device". The closest art Berry et al. as discussed above fails to anticipate or render the above underlined limitations obvious.

Response to Amendment

6. Applicant's arguments filed March 9, 2005 have been fully considered but they are not persuasive. The applicant argued that the prior art does not teach the movement of the mouse 20 causing a change in the image displayed on the display 34; none of the cited portions of Olsen refer to changing an image on the display 34 based on movement of the mouse 20; there is no disclosure in Olsen regarding movement of the mouse 20 causing displayed images to change; and there is no disclosure related to using movement of the mouse 20 to cause a change in images displayed on the display

34. Examiner disagrees with the applicant because the prior art, Olsen, teaches the watch uses an optical sensor Fig.4B (70) to detect changes in the image displayed on a computer display screen. It is clear that by moving the optical sensor 70, a change will take place in the image displayed on the display (60). Therefore, the rejection is maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:OOAM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patrick Edouard, can be reached on (571) 272-7603.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance

Art Unit 2674

Date 6/14/2005

HENRY N. TRAN
PRIMARY EXAMINER